

MICHAEL N. FEUER, City Attorney, SBN 111529
MARY CLARE MOLITOR, Chief, Criminal & Special Lit. Branch, SBN 82204
TINA HESS, Deputy Chief, Safe Neighborhoods & Gang Div., SBN 143800
JONATHAN CRISTALL, Superv. Assistant City Attorney, SBN 191935
LIRA FORMAN-ECHOLS, Assistant Superv. Deputy City Attorney, SBN 184135 2017
200 North Main Street, Room 966
Los Angeles, California 90012

Telephone: (213) 978-4090
Fax: (213) 978-8717
E-Mail: lora.forman-echols@lacity.org

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles
Sherri R. Carter, Executive Officer/Clerk
By: M. Soto, Deputy
Moses Soto

Attorneys for Plaintiff

NO FEE – GOV'T CODE § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

S & M VENTURES NO. I, LLC, a California Limited
Liability Company; CHARLES PETER SCURICH,
individually and as a member and Chief Executive
Officer of S & M Ventures No. I, LLC; and DOES 1
through 50, inclusive,

Defendants.

Case No.: BC 687114

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[HEALTH & SAF. CODE SECTION
11570, ET SEQ.; CIVIL CODE
SECTION 3479, ET SEQ.; BUS. &
PROF. CODE SECTION 17200, ET
SEQ.]

[Unlimited Action]

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I.

INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California ("People"), for the purpose of abating, preventing, and enjoining a pervasive gang-and narcotics-related public nuisance existing at Vermont Plaza, a bustling commercial strip mall in the Vermont Square area of South Los Angeles located at 4301-4333 S. Vermont Avenue, Los Angeles, CA 90037 (the "Property," "Vermont Plaza Strip Mall," or "Strip Mall"). There are over a dozen businesses operating at the Strip Mall, including two restaurants, a

1 donut shop, a pet shop, a clothes store, a smoke shop, a nail salon, a beauty salon, and a
2 shoe repair. The Property, near the heavily travelled intersection of Vermont Avenue and 43rd
3 Street, is within one half mile of nine schools,¹ six parks and three churches.

4 2. The Strip Mall, situated in an area claimed by the Rollin' 40s Neighborhood Crips
5 criminal street gang ("Rollin 40s"), has been a deeply entrenched gang "hangout" for well over
6 a decade, with crimes increasing in number and intensity in recent years. The narcotics sales
7 at the Property are incredible in both volume and brazenness. In 2017² alone, there were 20
8 narcotics transactions documented by the Los Angeles Police Department ("LAPD"), most of
9 which involved the sale of crack cocaine by Rollin' 40s gang members. During one
10 transaction, an LAPD informant went to the Strip Mall around 2 pm and *made serial crack*
11 *purchases from four different gang members in under 15 minutes* as s/he strolled through the
12 Strip Mall. One of the most prolific narcotics traffickers at the Property is a gang member who
13 was shot in the groin in a drive-by shooting at the Property back in 2001. Sixteen years later,
14 he still frequents the Property, apparently undaunted by that shooting, illustrating just how
15 central this Property is to the gang and how deeply they have insinuated themselves there.

16 3. In addition to the omnipresent narcotics sales occurring there, officers have
17 responded to the Property for a steady stream of violent crimes, including: murder, drive-by
18 shootings, robberies, attempted robberies, batteries, assaults with deadly weapons, and
19 constant loitering by groups of gang members. Just a few weeks ago, in November 2017, a
20 man was gunned down – shot nine times – in a drive-by shooting as he stood in the parking lot
21 near the shoe repair store at 6 pm. Earlier this year, on April 2nd, a documented East Coast
22 Crips gang member was shot five times in the parking lot outside the nail salon shortly after
23 midnight. Four days after the November drive-by, a documented Rollin' 40s gang member
24

25 ¹ La Motte and Menlo Avenue Elementary Schools are .18 and .20 miles away from the Property,
26 respectively, and Manual Arts High School is about a block and a half away. There are at least two
27 documented instances of high school students getting beaten up and robbed as they walked through
the Strip Mall parking lot on their way home from school.

28 ² There are 14 documented narcotics incidents linked to the Property between 2014 and 2016, and at
least a dozen more dating back to 2004.

1 was arrested in the Strip Mall parking lot outside the donut shop after officers recovered a
2 loaded semi-automatic handgun (reported stolen) from him. He was "hanging" out in his car
3 parked in the parking lot with two other documented gang members. The following week, a
4 Rollin' 40s gang member was arrested with a loaded semi-automatic handgun after officers
5 observed him loitering in the Strip Mall parking lot with four others, one of whom was the Rollin'
6 40s gang member who was shot in the groin there but still frequents the Property to sell
7 narcotics.

8 4. The reported crimes occurring on the Property are numerous, frequent and
9 exceedingly violent, as evidenced by the most recent and deadly drive-by shooting. And these
10 are only the *reported* crimes; crimes at the Property go unreported due to limited police
11 resources, victims' retaliation fears, and the complexities of community-police relations.

12 5. Defendant S & M VENTURES NO. I, LLC, a California Limited Liability Company,
13 has owned the Property since 1995 and has created and/or maintained the nuisance or
14 allowed the nuisance to exist at the Property by failing to implement even the most basic
15 physical and managerial best practices to combat the above-described nuisance activity.
16 Immediate and substantial action is necessary to abate this longstanding nuisance and protect
17 the health and safety of the Property's employees, patrons and the surrounding community.
18 The intent of this nuisance abatement prosecution is to compel prompt and definitive action by
19 Defendants and permanently break the cycle of escalating gang violence and narcotics activity
20 at the Property swiftly and finally – before someone else dies there.

21 II.

22 THE PARTIES AND THE PROPERTY

23 A. The Plaintiff

24 6. Plaintiff, the People, is the sovereign power of the State of California, and is
25 authorized to bring the first cause of action pursuant to the Narcotics Abatement Law ("NAL"),
26 Health and Safety Code section 11571, *et seq.*; the second cause of action pursuant to
27 California Code of Civil Procedure section 731 which authorizes abatement, injunction, and
28 penalty of and for public nuisances pursuant to the Public Nuisance Law ("PNL"), California

Code sections 3479-3480; and, the third cause of action pursuant to California Business and Professions Code section 17204, which authorizes cities with a population in excess of 750,000, such as Los Angeles, to prosecute actions for relief under California Business and Professions Code section 17200, *et seq.* ("UCL") for unlawful competition.

B. The Defendants

7. The Property is currently owned by Defendant S & M VENTURES NO. I, LLC, an active California Limited Liability Company, which purchased it in 1995, according to public records.

8. Defendant CHARLES PETER SCURICH is the sole member, Chief Executive Officer, and agent for service of process of Defendant S & M VENTURES NO. I, LLC, according to public records on file with the Secretary of State. There are no other LLC members or officers listed in the LLC documents. Defendant CHARLES PETER SCURICH, as the sole member and Chief Executive Officer of Defendant S & M VENTURES NO. I, LLC, held a position of responsibility within Defendant S & M VENTURES NO. I, LLC, such that he was and is responsible for enacting, influencing, overseeing, directing, permitting, or implementing policies and practices of S & M VENTURES NO. I, LLC relating to management and control of the Property. Through his actions and/or inactions, Defendant CHARLES PETER SCURICH participated in, facilitated, or allowed the above-described nuisance activity at the property, and is thus liable in his individual capacity and in his capacity as a responsible officer.

9. The true names and capacities of defendants sued herein as Does 1 through 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious names.

10. When the true names and capacities of said defendants have been ascertained, Plaintiff will seek leave of Court to amend this complaint and to insert in lieu of such fictitious names the true names and capacities of said fictitiously named defendants.

//

//

C. The Property

11. The Property, located at 4301-4333 S. Vermont Avenue in LAPD's Southwest Division, contains a commercial strip mall with over a dozen businesses open to the public, including two restaurants, a donut shop, a pet shop, a clothes store, a smoke shop, a nail salon, a beauty salon, and a shoe repair. The Property's legal description is: "Parcel "B" as shown on Parcel Map No LA No. 690, as per map recorded in Book 6, Page(s) 70 of Parcel Maps, in the office of the County Recorder of said County. Also excepting all oil, gas or other hydrocarbons and all other mineral rights in the subsurface contained therein, as conveyed to U.S. Associates, Inc., a Corporation, by Deed recorded February 4, 1965, as Instrument No. 3616 in Book D-2788, Page 554, Official Records." The Assessor's Parcel Number is 5020-025-039

III.

THE NARCOTICS ABATEMENT LAW

12. Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of buildings and places “used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division” (Health & Saf. Code, § 11570).

13. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, “is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance.” (Health & Saf. Code, § 11570 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

14. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may . . . maintain an

1 action to abate and prevent the nuisance and perpetually to enjoin the person conducting or
2 maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
3 nuisance exists from directly or indirectly maintaining or permitting the nuisance.”

4 15. Health and Safety Code section 11573(a) provides that: “If the existence of the
5 nuisance is shown in the action to the satisfaction of the court or judge, either by verified
6 complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction
7 to abate and prevent the continuance or recurrence of the nuisance.” (Emphasis added.) In
8 addition, Health and Safety Code section 11581 provides, as an additional remedy, for the
9 removal and sale of all fixtures and movable property on the premises used in aiding or
10 abetting the nuisance and for the closure of the building for up to one year.

11 IV.

12 THE PUBLIC NUISANCE LAW

13 16. “Abatement of nuisances is a long established and well recognized exercise of
14 the state's police power.” (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563;
15 *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code section 3479
16 defines a public nuisance as “[a]nything which is injurious to health, including, but not limited
17 to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an
18 obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life
19 or property, or unlawfully obstructs the free passage or use, in the customary manner, of any .
20 . . public park, square, street, or highway” (See *City of Bakersfield v. Miller* (1966) 64
21 Cal.2d 93, 99 (“The Legislature has defined in general terms the word ‘nuisance’ in Civil Code
22 section 3479. . . .”).)

23 17. Civil Code section 3480 defines a public nuisance as “one which affects at the
24 same time an entire community or neighborhood, or any considerable number of persons,
25 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

26 18. In particular, gang activity, such as drug dealing, loitering, consumption of alcohol
27 and illegal drugs, and boisterous conduct which creates a “hooligan-like atmosphere”
28 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

1 19. The case law is “replete with examples” of “the threat violent street gangs and
2 associated illicit drug dealing pose to the safety of peaceful Californians” (*Castaneda v.*
3 *Olsher* (2007) 41 Cal.4th 1205, 1216.) The California Supreme Court has explicitly recognized
4 that “[s]treet gang activity can often subject residents . . . to unacceptable levels of fear and
5 risk.” (*Ibid.*) In *Medina v. Hillshore Partners* (1995) 40 Cal.App.4th 477, 486, involving a
6 wrongful death claim by the mother of a young man shot by gang members at an apartment
7 complex, the court said, “We agree that the congregation of gangs poses a foreseeable risk of
8 harm to the public.” In particular, the whole spectrum of typical street gang conduct, ranging
9 from loitering, to public drinking and boisterousness, to drug dealing, to gunfire, has been held
10 to “easily meet the statutory standard” for a public nuisance under the PNL. (*People ex rel.*
11 *Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

12 20. Civil Code section 3491 provides for the methods by which public nuisances
13 such as those alleged herein may be abated. Civil Code section 3491 states that the
14 “remedies against a public nuisance are indictment or information, a civil action or abatement.”
15 Abatement is “accomplished by a court of equity by means of an injunction proper and suitable
16 to the facts of each case.” (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; *see also People v.*
17 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 (“[I]n California, the rule is well established
18 that in proper cases injunctive relief which accomplishes the purposes of abatement without its
19 harsh features is permissible.”).)

20 21. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
21 to enjoin or abate a public nuisance. It provides in relevant part “[a] civil action may be brought
22 in the name of the people of the State of California to abate a public nuisance . . . by the city
23 attorney of any town or city in which such nuisance exists.”

24 22. “[S]trict liability for nuisance historically attends the possession and control of
25 land” (*Leslie Salt Co. v. San Francisco Bay Conservation etc. Com.* (1984) 153
26 Cal.App.3d 605, 618, fn. 15.) “[I]t is immaterial whether the acts be considered wilful or
27 negligent; the essential fact is that, whatever be the cause, the result is a nuisance.” (*Snow v.*
28 *Marian Realty Co.* (1931) 212 Cal. 622, 625-626.; *see also Sturges v. Charles L. Harney,*

1 *Inc.* (1958) 165 Cal.App.2d 306, 318 ["a nuisance and liability therefor may exist without
2 negligence"]; *People v. McCaddon* (1920) 48 Cal.App. 790, 792 ["A judgment supported on
3 findings that such nuisance was conducted and maintained on the premises in question,
4 regardless of the knowledge of the owner thereof, is sufficient"].) Courts apply this strict
5 standard because "the object of the act is not to punish; its purpose is to effect a reformation in
6 the property itself." (See *People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261 [Red Light
7 Abatement Act].) The fact that a defendant's conduct consists of omission rather than
8 affirmative action "does not preclude nuisance liability." (*Birke v. Oakwood Worldwide* (2009)
9 169 Cal.App.4th 1540, 1552.) Any party that owns or otherwise controls property has an
10 "indisputable duty to take reasonable steps to maintain its premises in a reasonably safe
11 condition." (*Id.*)

12 **V.**

13 **UNFAIR COMPETITION LAW**

14 23. The practices forbidden by California's Unfair Competition Law at Business and
15 Professions Code section 17200 *et seq.* include any practices forbidden by law, be they
16 criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
17 Supreme Court has explained, the UCL "borrows violations of other laws and treats them as
18 unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*
19 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
20 citations and quotation marks omitted).)

21 24. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything that
22 can properly be called a business practice and that at the same time is forbidden by law."
23 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. "Any
24 person performing or proposing to perform an act of unfair competition may be enjoined"
25 (Bus. & Prof. Code, § 17203.) The term "person" includes "natural persons, corporations,
26 firms, partnerships, joint stock companies, associations and other organizations of persons."
27 (Bus. & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct
28 liability to include common law doctrines of secondary liability where the liability of each

1 defendant is predicated on his or her personal participation in the unlawful practices. (*People*
2 *v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95
3 Cal.App.4th 952, 960.)

4 25. Although no case has specifically been called upon to define the term "business"
5 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
6 as to effect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass'n*
7 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
8 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
9 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
10 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
11 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.) Further, the
12 ownership and operation of a commercial shopping mall is, axiomatically, a business. (See
13 *People ex rel. City of Santa Monica v. Gabriel* (2010), 186 Cal.App.4th 882, 888 ("The renting
14 of residential housing is a business."); see also *Barquis v. Merchants Collection Ass'n*, (1972)
15 7 Cal.3d 94, 111-113 (giving a broad meaning of the UCL so as to effect its broad remedial
16 purposes).) Thus, when a property owner conducts, maintains or permits a nuisance that is
17 unlawful under the NAL and/or PNL to exist on the premises of such a business, it is a violation
18 of the UCL. (See *San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

19 Civil actions under the UCL may be brought in the name of the People of the State of
20 California by any city attorney of a city having a population in excess of 750,000 (Bus. & Prof.
21 Code, § 17204), such as the City of Los Angeles. A public entity can sue pursuant to section
22 17200 based on violations of its own municipal code, state law, or other local ordinance.
23 (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

24 26. Defendants engaging in violations of the UCL may be enjoined in any court of
25 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
26 judgments, including appointment of a receiver, as may be necessary to prevent the use or
27 employment by any person of any practice constituting unfair competition. (*Id.*)

28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VI.

FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT

[Health and Safety Code section 11570, *et seq.* --

Against All Defendants and DOES 1 through 50]

27. Plaintiff hereby incorporates by reference paragraphs 1 through 26 of this Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

28. The Property has been used, from an exact date unknown but at least since 2004, and is *currently* being used, for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances in violation of Health and Safety Code section 11570, *et seq.*, as evidenced by the numerous narcotics-related arrests and narcotics buys at the Property. Further, the Property's community reputation is as a gang-controlled narcotics sales location.

29. Defendants, and DOES 1 through 50, are responsible for conducting, maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has no plain, speedy, and adequate remedy at law and unless Defendant, and DOES 1 through 50, are restrained and enjoined by order of this Court, they will continue to use, occupy, and maintain, and/or aid, abet, or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the nuisance complained of herein, to the great and irreparable damage of the public and in violation of California law.

VII.

SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE

[Civil Code Section 3479, *et seq.* --

Against Defendant S & M VENTURES, NO. I, LLC, and DOES 1 through 50]

30. Plaintiff incorporates by reference Paragraphs 1 through 29 of this Complaint and makes them part of this Second Cause of Action as though fully set forth herein.

31. For years and through the present time, the Property has been owned, operated, occupied, used, and/or directly or indirectly permitted to be occupied and used, in such a

1 manner as to constitute a public nuisance in violation of Civil Code sections 3479 and 3480.
2 The public nuisance, as described herein, is injurious to health, indecent or offensive to the
3 senses, and/or an obstruction to the free use of property, so as to substantially and
4 unreasonably interfere with the comfortable enjoyment of life or property by those persons
5 living in the surrounding community. In addition to the pervasive narcotics activity described
6 herein, the public nuisance at the Property consists of, but is not limited to: murder, drive-by
7 shootings, shots fired, assaults with deadly weapons, robberies, attempted robberies,
8 batteries, the presence of illegal ammunition and firearms, and the near constant threatening
9 and disorderly presence of gang members and/or associates.

10 32. Defendants, and DOES 1 through 50, have failed to prevent or abate the ongoing
11 nuisance at the Property, and as result of this failure and their mismanagement of the
12 Property, have caused and/or contributed to a serious threat to the general health, safety, and
13 welfare of the law-abiding tenants at the Property and persons in the area surrounding the
14 Property.

15 33. Unless Defendants, and DOES 1 through 50, are restrained and enjoined by
16 order of this Court, they will continue to use, occupy and maintain, and to aid, abet or permit,
17 directly or indirectly, the use, occupation, and maintenance of the Property, together with the
18 fixtures and appurtenances located therein, for the purpose complained of herein, to the great
19 and irreparable damage of Plaintiff and in violation of California law.

20 **VIII.**

21 **THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

22 **[Business and Professions Code Section 17200, *et seq.* –**

23 **Against All Defendants and DOES 1 through 50]**

24 34. Plaintiff hereby incorporates by reference paragraphs 1 through 33 of this
25 Complaint and makes them part of this third Cause of Action, as if fully set forth herein.

26 35. Ownership and rental of commercial real estate with businesses open to the
27 public, such as the Property, is a business. When the owners of such businesses violate the
28 NAL and/or the PNL such that a nuisance exists and flourishes at the business' premises, as

1 set forth herein, it is also a violation of the UCL.

2 36. Defendants and DOES 1-50 have violated the UCL by engaging in the following
3 unlawful or unfair business acts and practices: conducting, maintaining and/or permitting,
4 directly or indirectly, narcotics- and gang-related criminal and/or nuisance activity at the
5 Property, as alleged herein, in violation of the NAL and/or the PNL.

6 37. Plaintiff has no adequate remedy at law, and unless Defendants and DOES 1-50
7 are restrained by this Court they will continue to commit unlawful business practices or acts,
8 thereby causing irreparable injury and harm to the public's welfare.

9 **PRAYER**

10 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
11 **DECREE AS FOLLOWS:**

12 **AS TO THE FIRST CAUSE OF ACTION:**

13 **AS TO ALL DEFENDANTS and DOES 1 through 50:**

14 1. That each Defendant, and the Property, including all building and structures
15 thereon, be declared in violation of Health and Safety Code section 11570, *et seq.*

16 2. That the Property, together with the fixtures and moveable property therein and
17 thereon, be found to constitute a public nuisance and be permanently abated as such in
18 accordance with section 11581 of the California Health and Safety Code.

19 3. That the Court grant a preliminary injunction, permanent injunction and order of
20 abatement in accordance with Section 11570, *et seq.*, of the California Health and Safety
21 Code, enjoining and restraining each Defendant, and any agents, officers, employees, and
22 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
23 or giving away controlled substances on the Property, and/or directly or indirectly maintaining
24 or permitting such nuisance activity.

25 4. That the Court order physical and managerial improvements to the Property in
26 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
27 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
28 including but not limited to, the following: an internet-connected video monitoring system

1 covering all public areas at the Property that is accessible by LAPD; improved lighting;
2 sufficiently secure gating and fencing; improved tenant screening and lease enforcement
3 procedures, including earlier closure times for the businesses operating there; and armed,
4 licensed security guards.

5 5. That as part of the Judgment, an Order of Abatement be issued, and that the
6 Property be closed for a period of one year, not to be used for any purpose, and be under the
7 control and custody of this Court for said period of time; or, in the alternative, if the Court
8 deems such closure to be unduly harmful to the community, that Defendant pay an amount of
9 damages equal to the fair market rental value of the Property for one year to the City of Los
10 Angeles in accordance with Health and Safety Code section 11581 subdivision (c)(1).

11 6. That each Defendant be assessed a civil penalty in an amount not to exceed
12 twenty-five thousand dollars (\$25,000.00) each.

13 7. That all fixtures and moveable property used in conducting, maintaining, aiding,
14 or abetting the nuisance at the Property be removed by the LAPD and sold in the manner
15 provided for the sale of chattels under execution. Said fixtures and property shall be
16 inventoried and a list prepared and filed with this court.

17 8. That there shall be excepted from said sale, such property to which title is
18 established in some third party not a defendant, nor agent, officer, employee, or servant of any
19 defendant in this proceeding.

20 9. That the proceeds from said sale be deposited with this court for payment of the
21 fees and costs of sale. Such costs may occur in removal of said property and in closing said
22 Property and keeping it closed.

23 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
24 allowances, the Property shall also be sold under execution issued upon the order of the court
25 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
26 monies remaining after payment of approved costs shall be delivered to the owner of said
27 Property. Ownership shall be established to the satisfaction of this court.

28 11. That each Defendant, and any agents, trustees, officers, employees and anyone

1 acting on their behalf, and their heirs and assignees, be perpetually enjoined from transferring,
2 conveying, or encumbering any portion of the Property, for consideration or otherwise, without
3 first obtaining the Court's prior approval.

4 12. That each Defendant be ordered to immediately notify any transferees,
5 purchasers, commercial lessees, or other successors in interest to the subject Property of the
6 existence and application of any temporary restraining order, preliminary injunction, or
7 permanent injunction to all prospective transferees, purchasers, commercial lessees, or other
8 successors in interest, *before* entering into any agreement to sell, lease or transfer the
9 Property, for consideration or otherwise, all or any portion of the Property that is the subject of
10 this action.

11 13. That each Defendant be ordered to immediately give a complete, legible copy of
12 any temporary restraining order and preliminary and permanent injunctions to all prospective
13 transferees, purchasers, lessees, or other successors in interest to the Property.

14 14. That each Defendant be ordered to immediately request and procure signatures
15 from all prospective transferees, purchasers, lessees, or other successors in interest to the
16 subject Property, which acknowledges his/her respective receipt of a complete, legible copy of
17 any temporary restraining order, preliminary and permanent injunction, and deliver a copy of
18 such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Liora
19 Forman-Echols or her designee.

20 15. That Plaintiff recover the costs of this action, including law enforcement
21 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
22 \$1,000,000.00, from Defendants.

23 AS TO THE SECOND CAUSE OF ACTION

24 AS TO DEFENDANT S & M VENTURES NO I, LLC, and DOES 1 through 50:

25 1. That the Property, together with the fixtures and moveable property therein and
26 thereon, be declared a public nuisance and be permanently abated as such in accordance with
27 Civil Code section 3491.

28 2. That each Defendant, and any agents, officers, employees, and anyone acting

1 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined from
2 operating, conducting, using, occupying, or in any way permitting the use of the Property as a
3 public nuisance. Such orders should include, but not be limited to physical and managerial
4 improvements to the Property, and such other orders as are appropriate to remedy the
5 nuisance on the Property and enhance the abatement process.

6 3. Such costs as may occur in abating said nuisance at the Property and such other
7 costs as the Court shall deem just and proper.

8 4. That Plaintiff be granted such other and further relief as the Court deems just and
9 proper, including closure and/or demolition of the Property.

10 AS TO THE THIRD CAUSE OF ACTION

11 AS TO ALL DEFENDANTS and DOES 1 through 50:

12 1. That each Defendant be declared in violation of Business and Professions Code
13 section 17200.

14 2. That each Defendant, as well as their agents, heirs, successors, and anyone
15 acting on its behalf, be permanently enjoined from maintaining, operating, or permitting any
16 unlawful or unfair business acts or practices in violation of Business and Professions Code
17 section 17200.

18 3. That the Court grant a preliminary and/or permanent injunction prohibiting each
19 Defendant, as well as their agents, heirs, successors, and anyone acting on their behalves,
20 from engaging in the unlawful or unfair acts and/or practices described herein at the Properties
21 and in the City of Los Angeles. Such orders should include physical and managerial
22 improvements to the Property.

23 4. That, pursuant to Business and Professions Code section 17206, each
24 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair competition.

25 5. That, pursuant to the Court's equitable power and Business and Professions
26 Code section 17203, the Court make such orders or judgments, including appointment of a
27 receiver, to eliminate the unlawful or unfair competition alleged herein.

28 ///

1 AS TO ALL CAUSES OF ACTION

2 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
3 the service of process or notices which would have been paid but for Government Code
4 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
5 amount of the fees for certifying and preparing transcripts.

6 2. That Plaintiff be granted such other and further relief as the Court deems just and
7 proper.

8
9 DATED: December 15, 2017

Respectfully submitted,

10 MICHAEL N. FEUER, City Attorney
11 JONATHAN CRISTALL, Superv. Assist. City Attorney

12
13 By: 

14 LIORA FORMAN-ECHOLS,
15 Assistant Supervising Deputy City Attorney
16 Attorneys for Plaintiff, THE PEOPLE OF THE
17 STATE OF CALIFORNIA
18
19
20
21
22
23
24
25
26
27
28